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**SEP 26 2008**

In re Application of :  
Goddard, et al. : LETTER REGARDING PTA  
Application No. 10/063,514 :  
Filed: May 1, 2002 :  
Atty. Dkt. No.: 10466/299 :

This letter is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT CALCULATION," filed January 4, 2008. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed October 16, 2007 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 433 days. Applicants indicate that the calculation was done incorrectly and request reconsideration of the calculation of adjustment.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 396 days.

As indicated in the Determination of Patent Term Adjustment mailed October 17, 2007, an overall adjustment of 435 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(1).

As further indicated in the Determination of Patent Term Adjustment mailed October 17, 2007, the adjustment of 435 days is properly reduced two days in accordance with 37 CFR 1.704(b) in connection with the reply filed December 10, 2004.

A review of the record reveals that the Office errantly neglected to further reduce the adjustment one day in accordance with 37 CFR 1.704(b) in connection with the RCE filed July 1, 2005. The reduction commenced July 1, 2005 the day after the date that is three months after the date that the final Office action was mailed, and ended July 1, 2005, the date the RCE was filed.

Further review of the record reveals that the Office errantly neglected to further reduce the adjustment 36 days in accordance with 37 CFR 1.704(c)(8) in connection with the supplemental reply filed August 25, 2006. The reduction commenced July 21, 2006, the date that the initial reply was filed, and ended August 25, 2006, the date that the supplemental reply was filed.

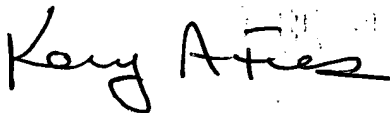
Accordingly, at the time of allowance, the application is entitled to an adjustment 396 days (adjustment for Office delays totalling 435 days less reductions for applicants delays totalling 39 days).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forward to the Office of Patent Publication for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



Kery Fries  
Senior Patent Attorney  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

Day : Thursday  
Date: 9/25/2008 **PALM INTRANET**

Time: 14:57:57

**PTA Calculations for Application: 10/063514**

Application Filing Date:	05/01/2002	PTO Delay (PTO):	435
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	2
Post-Issue Petitions:	0	Total PTA (days):	396
PTO Delay Adjustment:	-37		

**File Contents History**

Number	Date	Contents Description	PTO	APPL	START
100	09/25/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		37	
90	10/16/2007	MAIL NOTICE OF ALLOWANCE			
89	10/15/2007	ISSUE REVISION COMPLETED			
88	10/15/2007	DOCUMENT VERIFICATION			
87	10/15/2007	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
86	10/15/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
85	10/15/2007	CASE DOCKETED TO EXAMINER IN GAU			
84	10/15/2007	NOTICE OF ALLOWABILITY			
83	08/06/2007	MISCELLANEOUS INCOMING LETTER			
82	08/08/2007	DATE FORWARDED TO EXAMINER			
81	08/06/2007	RESPONSE AFTER EX PARTE QUAYLE ACTION			
80	06/07/2007	MAIL EX PARTE QUAYLE ACTION (PTOL - 326)			
79	06/07/2007	EX PARTE QUAYLE ACTION			
78	12/10/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
77	12/10/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
76	02/09/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
75.7	02/09/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
75	02/09/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
74	03/12/2007	DATE FORWARDED TO EXAMINER			
73	02/09/2007	RCE- AF PROCESSED			
72	03/12/2007	DATE FORWARDED TO EXAMINER			

71	02/09/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
70	03/12/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
66	02/09/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
65	11/21/2006	MAIL FINAL REJECTION (PTOL - 326)			
64	11/13/2006	FINAL REJECTION			
63	09/10/2002	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
62	07/20/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
61	09/06/2006	DATE FORWARDED TO EXAMINER			
60	08/25/2006	SUPPLEMENTAL RESPONSE			
54	09/10/2002	REFERENCE CAPTURE ON IDS			
53.7	09/10/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
53	09/10/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
52.7	07/20/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
52	07/20/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
51	07/26/2006	DATE FORWARDED TO EXAMINER			
50	07/20/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
49	07/26/2006	DATE FORWARDED TO EXAMINER			
48	07/20/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)			
47	07/26/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
46	07/20/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
45	05/16/2006	MAIL EXAMINER'S ANSWER			
44	05/15/2006	EXAMINER'S ANSWER TO APPEAL BRIEF			
43	03/02/2006	MAIL ADVISORY ACTION (PTOL - 303)			
42	03/01/2006	DATE FORWARDED TO EXAMINER			
41	02/24/2006	APPEAL BRIEF FILED			
40	02/27/2006	ADVISORY ACTION (PTOL-303)			
39	12/29/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
38.7	12/29/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

38	12/29/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
37	01/09/2006	DATE FORWARDED TO EXAMINER			
36	12/29/2005	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL			
35	12/29/2005	NOTICE OF APPEAL FILED			
34	10/04/2005	MAIL NON-FINAL REJECTION			
33	10/03/2005	NON-FINAL REJECTION			
32	07/01/2005	REFERENCE CAPTURE ON IDS			
31.7	07/01/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
31	07/01/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
30	07/18/2005	DATE FORWARDED TO EXAMINER			
29	07/01/2005	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
28	07/18/2005	DATE FORWARDED TO EXAMINER			
27	07/01/2005	REQUEST FOR CONTINUED EXAMINATION (RCE)			
26	07/18/2005	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
25	07/01/2005	WORKFLOW - REQUEST FOR RCE - BEGIN			
24	03/30/2005	MAIL FINAL REJECTION (PTOL - 326)			
23	03/28/2005	FINAL REJECTION			
22	12/20/2004	DATE FORWARDED TO EXAMINER			
21	12/10/2004	RESPONSE AFTER NON-FINAL ACTION		2	19
20	12/10/2004	WORKFLOW INCOMING AMENDMENT IFW			
19	09/08/2004	MAIL NON-FINAL REJECTION	435		-1
18	09/07/2004	NON-FINAL REJECTION			
17	01/28/2004	CASE DOCKETED TO EXAMINER IN GAU			
16	09/10/2003	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15	09/09/2002	PRELIMINARY AMENDMENT			
14	05/07/2002	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
13	07/24/2002	CORRESPONDENCE ADDRESS CHANGE			
12	07/25/2002	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
11	06/18/2002	CASE DOCKETED TO EXAMINER IN GAU			
10	05/28/2002	APPLICATION DISPATCHED FROM OIPE			

9	05/21/2002	APPLICATION IS NOW COMPLETE			
5	05/01/2002	INITIAL EXAM TEAM NN			
4	05/01/2002	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
3	05/07/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	05/01/2002	ELECTRONIC FILING OF ORIGINAL APPLICATION PAPERS			
1	05/01/2002	INITIAL EXAM TEAM NN			

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### EXPLANATION OF PTA CALCULATION

### EXPLANATION OF PTE CALCULATION

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Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

The owner\*, \_\_\_\_\_ of \_\_\_\_\_ percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application was filed in the United States or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c), from the date on which the earliest such application was filed. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
2. ☐ The undersigned is an attorney or agent of record. Registration Number \_\_\_\_\_

\_\_\_\_\_  
Signature\_\_\_\_\_  
Date\_\_\_\_\_  
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Telephone Number

- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
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This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.